

# Pesticide Regulations

The production, transportation, distribution, sale, use, application, storage, and disposal of excess pesticides and containers in Tennessee are regulated primarily under Federal and State Laws. The federal Law we are currently under is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act of 1972: The Tennessee Law is know as the Law and Regulations Governing Pest Control Operators. The FIFRA as amended is administered by the Administrator of the Environmental Protection Agency (EPA). The Tennessee law is administered by the Commissioner of Agriculture through the Regulatory Services Division of the Tennessee Department of Agriculture.

## Label Regulations

Pesticides that are shipped, distributed, or sold in this country must be registered with EPA and bear the proper label.

## FIFRA Amendments in 1978

On September 30, 1978 FIFRA was amended. Only a few of these changes will be pointed out here.

Even though it is illegal to use a pesticide inconsistent with its label, a few exemptions to this definition have been made in the 1978 amended FIFRA.

- (a) A pesticide may be applied at any dosage, concentration, or frequency less than that specified on the label.
- (b) A pesticide may be applied against any target pest not specified on the label if the crop, animal, or site is specified on the label.
- (c) A pesticide may be applied by any method not prohibited by the label.

- (d) Pesticides may be mixed with a fertilizer if the mixture is not prohibited on the label.

According to the new amendment, the states now have primary enforcement responsibility for pesticide use violations.

Even though the amendments allow a non-certified person to buy a restricted use pesticide, Tennessee law definitely prohibits this action.

## Cancellation or Suspension May Be Total or Limited

The Administrator may suspend or cancel the registration of a pesticide for all or some uses. The action may involve only the manufacture of the produce and allow stocks within channels of trade to be sold and used until dissipated; or the sale and/or use of the product can also be banned. FIFRA as amended requires EPA to reimburse the owners of a pesticide that can no longer be used because of suspension or cancellation of its registration. EPA also has the responsibility of disposing of such pesticides.

The presiding officer has **10 days** from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator. The Administrator then has **7 days** to render a final order. If an emergency exists, a material may be suspended before notification to the registrant.

## Pesticide Classification

FIFRA requires that each pesticide be classified for general or restricted use, or for either according to specific uses, at the time of registration or reregistration. Some pesticides were classified without reregistration. The restricted pesticides at the time of printing of this publication are marked in the Insecticide and Miticide Table.

## **Pesticide Dealers In Tennessee**

In Tennessee, pesticide dealers must be certified in Category 12 in order to sell restricted use pesticides. This dealer must also hold a valid pesticide dealer license. A separate license for each location or outlet of business. The application for a license must be accompanied by \$50 fee. The license must be renewed before July 1 each year accompanied by a renewal fee.

Each licensed dealer must keep records of restricted use pesticides sold. The name of purchaser, purchaser's certification number, and the name and amount of pesticide purchased must be recorded.

## **Certification and Licensing In Tennessee**

A restricted use pesticide may be applied only by, or under the direct supervision of a certified applicator. As of February 1990, all pest control technicians working for a chartered company must be certified commercially.

Applicators of restricted use pesticides must be certified by the Regulatory Services Division of the Tennessee Department of Agriculture. The University of Tennessee Extension Service has the responsibility of providing the educational materials and training necessary to qualify applicators for certification.

A farmer, rancher, greenhouse operator, or nurseryman who uses or supervises the use of restricted pesticides to produce an agricultural commodity on property owned or rented by him or his employer or on property of another person, if only trading personal services, is considered to be a **private applicator**. This type of applicator must become certified by attending a training session offered by the county extension service.

All other applicators are called **commercial applicators** in Tennessee and must take a general standards exam and one of the 15 category exams, which is now combined into one exam.

In Tennessee, an individual who does any type of custom application and charges a fee is considered to be a Licensed Applicator (**Licensed Pest Control Operator** or **Licensed Commercial Applicator**). There are 14 licensing categories. Each person, firm, or corporation who wishes to engage in business of commercial pest control must have a solicitor's registration.

## **TO BECOME CERTIFIED**

To obtain commercial certification, each person must pass a core/category exam. The exam fee is \$15.00 and must be prepaid to the TDA Nashville office. Make checks payable to the **Tennessee Department of Agriculture**. Mail to: Tennessee Department of Agriculture, Certification Supervisor, Porter Building, Box 40627 Melrose Station, Nashville, TN 37204. List the date and location of the exam you are paying to take.

Immediately after taking the exam, the answer sheet will be graded. If the certification exam is passed, a certification card will be mailed within 2-3 weeks.

An order form with a list of study materials for commercial and licensing categories may be ordered from our office. It is strongly suggested, but not required, that these materials be purchased and studied before attending the certification meeting.

Initial Certification Training will be offered quarterly, with remote sites in Chattanooga, Greeneville or Johnson City, Knoxville, Jackson, Memphis and Nashville via interactive television. ITV is normally scheduled in January, March, June and October. Call 865-974-7138 for a current schedule.

Pesticide Applicator Training information and forms are also available on the Extension Entomology and Plant Pathology web site located at:

<http://eppserver.ag.utk.edu/pat/pat.htm>

### **Precautionary Statement**

To protect people and the environment, pesticides should be used safely.

This is everyone's responsibility, especially the user.

Read and follow label directions carefully before you mix, apply store or dispose of a pesticide.

According to laws regulating pesticides, they must be used only as directed by the label.

Persons who do not obey the law will be subject to penalties.

### **Disclaimer Statement**

Pesticides recommended in this publication were registered for the prescribed uses when printed. Pesticide regulations are continuously reviewed.

Should registration or a recommended pesticide be canceled, it would no longer be recommended by The University of Tennessee.

Use of trade or brand names in this publication is for clarity and information; it does not imply approval of the product to the exclusion of others that may be of similar, suitable composition, nor does it guarantee or warrant the standard of the product.

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COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS

The University of Tennessee Institute of Agriculture, U.S. Department of Agriculture, and county governments cooperating in furtherance of Acts of May 8 and June 30, 1914.

Agricultural Extension Service Charles L. Norman, Dean